

REMARKS

The courtesy of Examiner Jain in granting a telephone interview on May 8, 2009 to attorney Edward Callan is sincerely appreciated. During the interview the Examiner's reasons for rejecting claims 9 and 10 under 35 U.S.C. 103 were discussed. No agreement was reached as to the allowability of the claims. The Examiner suggested that the independent claims be amended to better delineate the subject matter of the invention.

Independent claims 9, 10, and 15 have been amended to more particularly point out the subject matter of the present invention. Support for the amendment of claim 9 is provided in paragraphs [0011], [0026], [0027], and [0030] of the published application (US2007/0275747 A1). Support for the amendment of claim 10 is provided in paragraphs [0012], [0026], [0027], [0032], and [0035] of the published application. Support for the amendment of claim 15 is provided in paragraphs [0011], [0026], [0027], [0030], and [0035] of the published application.

The subject matter recited in the last paragraph of previously submitted claim 10 is presently deleted from claim 10, but is now recited in new claim 17, which depends from claim 10.

Information Disclosure Statement

The cited foreign patent document EP1182895 can be downloaded from the EPO website. This is an "A" reference from the ISR and, upon review, is not considered to be significant or relevant.

Claim Rejections - 35 U.S.C. 103

The rejection of claims 9-16 under 35 U.S.C. 103(a) as being unpatentable over Maggenti in view of Bensimon is respectfully traversed for at least the following reasons:

Regarding claim 9, Maggenti neither describes nor suggests the following limitations that are recited in this claim:

1. “push-to-talk communication between a Push-to-Talk communication system (PoC) group comprising at least one member of a first communication network operated by a first network operator, and a PoC group comprising at least one member of a second communication network operated by a second network operator,”
2. “connecting the at least one member of the PoC-group of the first network with the members of the PoC-group of the second network for push-to-talk communication; and”
3. “synchronizing the PoC application servers of the respective networks so that the group members of both networks are known to both operators.”

Paragraph [0032] of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network. Paragraph 32 states:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph [0032], members of a network that are *not* able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor

communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different “nets” mentioned in paragraph [0032] are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CD’s 12, 14, 16, and 17 shown in FIG. 1, and CD’s 108, 112, and 116 shown in FIG. 2.

During the interview, the Examiner asserted that the CD’s 112 and 116 were in a different network than the CD 108 because the push-to-talk communication to CD’s 112 and/or 116 is originated by the CD 108. This is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. A communication between members of a network involves both the originating CD and the CD for which the communication is intended.

During the interview, the Examiner also asserted that the CD’s 12, 14, 16, and 17 were in a different network than the CD’s 108, 112, and 116 because they are shown in different drawing figures. This also is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. FIG. 2 merely illustrates how CD’s interact with a communication manager.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of *different communication networks* that are respectively operated by *different operators*, as recited in claim 9.

During the interview, the Examiner asserted that the first operator of a first network in the system disclosed by Maggenti is the BSC/MSR/IWF 28 and that the second operator of a second network in the system disclosed by Maggenti is the communication manager 18. This also is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. There is no disclosure in Maggenti that suggests that the BSC/MSR/IWF 28 and the communication manager 18 operate separate

networks. In the examples described by Maggenti, the BSC/MSR/IWF 28 and the communication manager 18 cooperate in the operation of but a single network. Maggenti is silent as to whether or not the different nets described in paragraph [0032] are operated by different operators and there is no suggestion to support the Examiner's interpretation of Maggenti.

In addition, Maggenti neither describes nor suggests that PoC application servers of different respective networks are synchronized *so that the group members of both networks are known to respectively different operators of the different networks*, as recited in the last paragraph of amended claim 9.

Regarding Claim 10, Maggenti neither describes nor suggests the following limitations that are recited in this claim:

1. "push-to-talk communication between a group of members of an existing push-to-talk communication session within a first communication network operated by a first network operator, and a group of at least one member of an additional communication network operated by a second network operator by using a Push-to-Talk over a communication system (PoC) application server in each communication network,"
2. "connecting the additional group to the existing group of the session for push-to-talk communication; and"
3. "synchronizing the PoC application server of the additional group to the application server of the existing group of the session so that the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator."

Paragraph [0032] of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a

different network. Paragraph [0032] is quoted again here for convenience:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph [0032], members of a network that are *not* able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different "nets" mentioned in paragraph [0032] are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CD's 12, 14, 16, and 17 shown in FIG. 1, and CD's 108, 112, and 116 shown in FIG. 2.

During the interview, the Examiner asserted that the CD's 112 and 116 were in a different network than the CD 108 because the push-to-talk communication to CD's 112 and/or 116 is originated by the CD 108. This is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. A communication between members of a network involves both the originating CD and the CD for which the communication is intended.

During the interview, the Examiner also asserted that the CD's 12, 14, 16, and 17 were in a different network than the CD's 108, 112, and 116 because they are shown in different drawing figures. This also is not a reasonable interpretation of the disclosure of

Maggenti as required by MPEP 2111. FIG. 2 merely illustrates how CD's interact with a communication manager.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of *different communication networks* that are respectively operated by *different operators*, as recited in claim 10.

During the interview, the Examiner asserted that the first operator of a first network in the system disclosed by Maggenti is the BSC/MSR/IWF 28 and that the second operator of a second network in the system disclosed by Maggenti is the communication manager 18. This also is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. There is no disclosure in Maggenti that suggests that the BSC/MSR/IWF 28 and the communication manager 18 operate separate networks. In the examples described by Maggenti, the BSC/MSR/IWF 28 and the communication manager 18 cooperate in the operation of but a single network. Maggenti is silent as to whether or not the different nets described in paragraph [0032] are operated by different operators and there is no suggestion to support the Examiner's interpretation of Maggenti.

In addition, Maggenti neither describes nor suggests that PoC application servers of different respective networks are synchronized *so the group members of the additional network are known to both operators and the group members of the existing group are known to the first operator but not to the second operator*, as recited in the last paragraph of amended claim 10.

Regarding claim 15, Maggenti neither describes nor suggests the following limitations that are recited in this claim:

1. "push-to-talk communication between push-to-talk groups of at least two communication networks operated by different operators,"

2. “connecting at least one member of a PoC-group of a first said network with members of a PoC-group of a second said network for push-to-talk communication; and”
3. “push-to-talk communication application server for each of the first and second networks, with the servers being synchronized so that the group members of the first network are known to both operators and the group members of the second network are known to at least the second operator.”

Paragraph [0032] of Maggenti teaches away from push-to-talk communication between a PoC group of members in one network and a PoC group of members in a different network. Once again, paragraph [0032] is quoted:

The term "net" denotes a group of communication device users authorized to communicate with each other. Generally, a central database contains information identifying the members of each particular net. More than one net may operate in the same communication system. For instance, a first net may be defined having ten members and a second net may be defined, having twenty members. The ten members of the first net can communicate with each other, but generally not to members of the second net. In other situations, members of different nets are able to monitor communications between members of more than one net, but are only able to transmit information to members within their own net.

Referring to the last sentence of paragraph [0032], members of a network that are *not* able to transmit information to members of another network are not connected for push-to-talk communication with the members of the other network even if they can monitor communications in the other network.

There is no disclosure in Maggenti from which it can be inferred that the different “nets” mentioned in paragraph [0032] are operated by different operators. The only network described in the detailed description and/or shown the drawing is a single network containing a plurality of communication devices (CD), to wit, CD’s 12, 14, 16, and 17 shown in FIG. 1, and CD’s 108, 112, and 116 shown in FIG. 2.

During the interview, the Examiner asserted that the CD's 112 and 116 were in a different network than the CD 108 because the push-to-talk communication to CD's 112 and/or 116 is originated by the CD 108. This is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. A communication between members of a network involves both the originating CD and the CD for which the communication is intended.

During the interview, the Examiner also asserted that the CD's 12, 14, 16, and 17 were in a different network than the CD's 108, 112, and 116 because they are shown in different drawing figures. This also is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. FIG. 2 merely illustrates how CD's interact with a communication manager.

Maggenti neither teaches nor suggests any motivation for providing push-to-talk communication between members of *different communication networks* that are respectively operated by *different operators*, as recited in claim 15.

During the interview, the Examiner asserted that the first operator of a first network in the system disclosed by Maggenti is the BSC/MSR/IWF 28 and that the second operator of a second network in the system disclosed by Maggenti is the communication manager 18. This also is not a reasonable interpretation of the disclosure of Maggenti as required by MPEP 2111. There is no disclosure in Maggenti that suggests that the BSC/MSR/IWF 28 and the communication manager 18 operate separate networks. In the examples described by Maggenti, the BSC/MSR/IWF 28 and the communication manager 18 cooperate in the operation of but a single network. Maggenti is silent as to whether or not the different nets described in paragraph [0032] are operated by different operators and there is no suggestion to support the Examiner's interpretation of Maggenti.

In addition, Maggenti neither describes nor suggests that PoC application servers of different respective networks are synchronized *so that the group members of the first network are known to both operators and the group members of the second network are known to at least the second operator*, as recited in the last paragraph of amended claim 15.

Further regarding each of independent claims 9, 10, and 15, Bensimon describes subscription sharing between a plurality of radiotelephone terminals of a radiotelephony network, wherein time slots for accessing the network are allocated to each terminal by sending a synchronization message to each terminal to synchronize the application servers of the respective terminals in accordance with the allocation of the time slots. However, Bensimon does not appear to describe or suggest either (a) any interaction between *different* communication networks that are respectively operated by *different operators*, or (b) synchronizing push-to-talk application servers of *different communication networks* operated by *different operators* so that the *members of the different networks are known to the different operators* in the different combinations respectively recited in the last paragraphs of independent claims 9, 10, and 15.

In addition, the Examiner's assertion of obviousness is not supported by the teachings of the applied references because not all of the features attributed to Maggenti and Bensimon by the Examiner are taught or suggested by these two references, as pointed out in the preceding paragraph and in the above discussion regarding the features of claims 9, 10, and 15 that are not taught by Maggenti.

Regarding claims 11 and 12, Bensimon does not teach that the synchronization of the time slots is carried out *automatically*, as required by claims 11 and 12. In paragraph [0021], cited by the Examiner, Bensimon states merely that "each application server is synchronised with the synchronisation servers by sending a synchronisation message from the synchronisation servers to each application server".

Regarding claims 13 and 14, Bensimon does not teach that "the synchronization is carried out whenever a user requests update of all group members of the PoC groups

before sending a PoC message,” as required by claims 13 and 14. Bensimon does not discuss updating synchronization whenever a user requests an update of all members of a group before sending a message. In paragraph [0023], cited by the Examiner, Bensimon merely discloses allocation by a synchronization server to a terminal of a data transmission time for exchanging data with an application server when the terminal is in a time slot where it is connected to a radiotelephony network and a data transmission time is requested by the terminal from the synchronization server.

Regarding new claim 17, Maggenti neither describes nor suggests the step of identifying the PoC application server of an additional group by an address derived from a group address assigned to the additional group as required by claim 17. During the interview, the Examiner asserted that this step was taught by the disclosure of an IP address in the context of paragraph [0045] of Maggenti, which states:

CM 18 maintains one or more databases for managing information pertaining to individual net members as well as to each defined net. For example, for each net member, a database may comprise information such as the user name, account number, a telephone number, or dial number, associated with the member's CD, a Mobile Identification Number assigned to the CD, the current member's status in the net, such as whether the member is actively participating in the net, a priority code for determining how the transmission privilege is assigned, a data telephone number associated with the CD, an IP address associated with the CD, and an indication of which nets the member is authorized to communicate. Other related types of information may also be stored by the database with respect to each net member.

In rebuttal, it is submitted that disclosure of a database containing an IP address associated with a CD (communication device) does not describe or suggest *identifying the PoC application server of an additional group by an address derived from a group address assigned to the additional group*, as required by claim 17.

Claims 11 and 13, which depend from claim 9, are also believed to be allowable for at least the same reasons as set forth above for the allowability of claim 9.

Claims 12, 14, and 17, which depend from claim 10, are also believed to be allowable for at least the same reasons as set forth above for the allowability of claim 10.


Claim 16, which depends from claim 15, is believed to be allowable for at least the same reasons as set forth above for the allowability of claim 15.

Conclusion

Applicants do not necessarily agree with any of the Examiner's comments regarding the applicability of the cited references to any of the claims. However, in view of the reasons presented herein for traversing the rejections of the claims, applicants are not presenting additional arguments at this time. Applicants reserve the right to present additional arguments for traversing the present and any future rejections of the claims.

Examination and reconsideration of claims 9-17 are respectfully requested.

Respectfully submitted,
Stephan BLICKER et al.

By: 
Lawrence A. Maxham
Attorney for Applicant
Registration No. 24,483

The Maxham Firm
Attorneys At Law
9330 Scranton Road, Suite 350
San Diego, California 92121
Telephone: (858) 587-7659
Facsimile: (858) 587-7658